IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE D.APPA RAO

–

WRIT PETITION No.750 of 1996

Between:

Sri Vasavi Dharma Shala, rep. by

The Hindupur Arya Vysya Sangham,

By its President N.Dasaratharamaiah,

Hindupur.

..... PETITIONER

AND

The Special officer-cum-Commissioner,

Hindupur Municipal Council, Hindupur,

Anantapur District.

.....RESPONDENT

ORDER: **(Per Hon'ble Sri Justice Bilal Nazki,)**

Heard learned Counsel for the parties.

The grievance of the petitioner is that the hall *viz*., Kanyaka Hall bearing door No.7-7-23 belonging to the petitioners is being used as a choultry for charitable purposes and is not being rented out, therefore, it is not subject to tax in terms of Section 88B of the A.P.Municipality Act (for short 'the Act'). But the respondents in their counter have clearly stated that the hall is being used for marriages by collecting huge amounts towards rents from the concerned parties.

Since there is a dispute with regard to the use of the building, therefore, it is not possible for this Court to come to conclusion as to whether the hall is being used for charitable purposes or is being rented out towards marriage parties. Therefore, the writ petition cannot be maintained, and is, accordingly, dismissed.

The controversy can be decided before other forum. Even an appeal is provided under the Act and the petitioner also submits that the appeal is already pending. That is an added reason for dismissing this Writ Petition. No costs.

(Bilal Nazki, J)

1st February, 2006

(D.Appa Rao, J)

LUR